

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

MAR 28 2017

Benjamin Good
National Security Project
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

Re: ODNI FOIA request DF-2016-00165

Dear Mr. Good:

Enclosed with this correspondence, please find the Office of the Director of National Intelligence's (ODNI) response to your 3 March 2016, Freedom of Information Act (FOIA) request. Specifically, in your 3 March 2016, correspondence, you requested the following:

The ACLU seeks the release of records that are or contain the following:

- (1) policies, standards, and guidance related to prepublication review;
- (2) final legal analyses of past, present, or proposed prepublication-review requirements;
- (3) final decisions of officials conducting prepublication reviews;
- (4) correspondence with former agency employees (or their representatives) who have submitted materials for prepublication review since January 1, 2009;
- (5) statistics relating to prepublication review, including but not limited to information documenting the total numbers of individuals who have submitted works for review, the total number of works submitted for review, the total number of submissions approved without change, the total number of submissions returned with proposed redactions or other modifications, the total number of pending submissions, and the duration of prepublication review processes.
- (6) titles, subject matters, and dates of works submitted for prepublication review; and
- (7) information about enforcement proceedings instituted or contemplated on the basis of violations of prepublication-review requirements, including breach-of-contract actions, agency administrative proceedings, and civil or criminal litigation.

On 11 March 2016, the ODNI's Information Management Division (IMD) acknowledged receipt of your 3 March 2016, FOIA request. Further, IMD's 11 March 2016, correspondence also provided initial materials in response to your request, including guidance that potentially responsive information could be found at the following website:

<http://www.dni.gov/index.php/about/organization/chief-information-officer/prepublication-review>.

In addition, in its 11 March 2016, correspondence, IMD also enclosed a one-page document in response to Item 5 of your 3 March 2016, FOIA request.

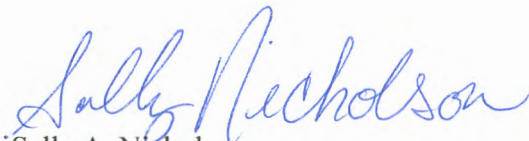
Pursuant to your agreement to modify in part your 3 March 2016, FOIA request as discussed during conversations between counsel for the American Civil Liberties Union Foundation (ACLU) and attorneys at the U.S. Department of Justice (DOJ), the ODNI processed ten potentially responsive records—the total number of pages processed was 533. The ODNI has reviewed the

records and concluded that some of the information included in the records should be withheld from release to you to protect information per the following FOIA exemptions:

- 5 U.S.C. § 552(b)(3) which allows for the exemption of information that is “specifically exempted from disclosure by statute.” The exemption statutes in question are Section 6 of the Central Intelligence Agency Act (50 U.S.C. § 3507), as applied to the ODNI through the National Security Act (50 U.S.C. § 3024(m)(1) and 50 U.S.C. § 3024(i)(1));
- 5 U.S.C. § 552(b)(5) which allows for the exemption of information that is “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;” and
- 5 U.S.C. § 552(b)(6) which allows for the exemption of information that constitutes “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.”

Consequently, with the enclosed, IMD is releasing in part portions of these records. Please note, per ACLU’s agreement with DOJ, the remaining portions of the records are not responsive to your 3 March 2016, FOIA request and have been marked accordingly. ODNI does not anticipate releasing additional materials in response to your 3 March 2016, FOIA request. If you have any questions, your attorney may contact Ryan Parker of the Department of Justice at 202-305-0924.

Sincerely,



Sally A. Nicholson
Chief, FOIA Branch
Information Management Division

Enclosures